102d Congress, 1st Session - - - - - - - - - - House Document 102-153

TERMINATION OF WAIVER AUTHORITY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS DECISION THAT A WAIVER OF SUBSECTIONS (a) AND (b) OF SECTION 402 OF THE ACT WILL NO LONGER BE REQUIRED FOR THE CZECH AND SLOVAK FEDERAL REPUBLIC, PURSUANT TO 19 U.S.C. 2432(b) AND 2439(b)

OCTOBER 17, 1991.—Message and accompanying papers referred to the Committee on Ways and Means and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

59-011 WASHINGTON : 1991

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To the Congress of the United States:

I hereby transmit the documents referred to in subsections 402(b) and 409(b) of the Trade Act of 1974 ("the Act"), 19 U.S.C. 2432(b) and 2439(b), with respect to the consistency of the emigration laws and policies of the Czech and Slovak Federal Republic with the criteria set out in subsections 402(a) and 409(a) of the Act. These documents constitute my decision that a waiver of subsections (a) and (b) of section 402 of the Act will no longer be required for the Czech and Slovak Federal Republic.

I include as part of these documents my determination that the Czech and Slovak Federal Republic is not in violation of paragraph (1), (2), or (3) of subsection 402(a) or paragraph (1), (2), or (3) of subsection 409(a) of the Act. I also include information as to the nature and implementation of the emigration laws and policies of the Czech and Slovak Federal Republic and restrictions or discrimination applied to or against persons wishing to emigrate, including those persons wishing to emigrate to the United States to join close relatives.

GEORGE BUSH.

THE WHITE HOUSE, *October 17, 1991.*

THE WHITE HOUSE

WASHINGTON

October 16, 1991

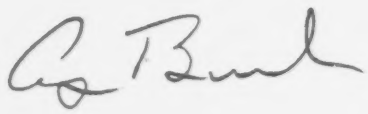
Presidential Determination
No. 92-3

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974 -- Emigration Policies of the Czech and Slovak Federal Republic

Pursuant to the authority vested in me by subsections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a)) ("the Act"), I determine that the Czech and Slovak Federal Republic is not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the Federal Register.



REPORT TO CONGRESS CONCERNING
EMIGRATION LAWS AND POLICIES OF
THE CZECH AND SLOVAK FEDERAL REPUBLIC

Pursuant to subsections 402(a) and 409(a) of the Trade Act of 1974 (hereinafter "the Act"), I have today determined that the Czech and Slovak Federal Republic is not in violation of paragraph (1), (2), or (3) of subsection 402(a), or of paragraph (1), (2), or (3) of subsection 409(a), of the Act. This is my report to the Congress pursuant to subsections 402(b) and 409(b) of the Act regarding the consistency of the emigration laws and policies of the Czech and Slovak Federal Republic with the criteria set out in subsection 402(a) and 409(a).

I have determined that, consistent with subsection 402(a) of the Act, the Czech and Slovak Federal Republic does not:

(1) deny its citizens the right or opportunity to emigrate;

(2) impose more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) impose more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

Further, consistent with subsection 409(a) of the Act, the Czech and Slovak Federal Republic does not:

(1) deny its citizens the right or opportunity to join permanently through emigration a very close relative in the United States, such as a spouse, parent, child, brother or sister;

(2) impose more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) impose more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1).

The Czech and Slovak Federal Republic (CSFR) practices an essentially open emigration policy. The Government does not impede domestic or foreign travel and those travelling abroad may remain abroad for unlimited periods of time. Under regulations issued by the Government on January 1, 1990, Communist-era limitations on travel and emigration dating to legislation enacted in 1965 were declared invalid because they were at variance with Czechoslovakia's obligations under the Conference on Security and Cooperation in Europe (CSCE) Final Act. Since December of 1989, potential emigrants have needed only a valid

passport and a foreign immigrant visa. The Government in December 1989 also cancelled Communist-era laws which required emigrants to liquidate their property in the CSFR before departing. No exit visas are now required, though citizens must fill out a purely informational statistical report form whenever they leave the country. The Czechoslovak citizens who emigrated during the period of Communist rule are now free to return to visit or live in Czechoslovakia.

Passports, which previously were often denied to those considered politically unreliable, are now freely available to all wishing to travel abroad. Czechoslovak citizens may obtain a passport for approximately twelve dollars at current exchange rates. Passports are valid for travel to all countries.

The American Embassy in Prague issued 142 immigrant visas in FY 1990. The great majority of these were issued to aliens. The Embassy expects a similar, if not slightly higher, number of immigrant visas to be issued in FY 1991. All pending family reunification cases have been resolved. Since the new travel regulations went into effect in 1989, the Embassy reports no incidents of difficulties with Czechoslovak authorities in regard to emigration matters.

On January 9, 1991, the Czechoslovak Federal Assembly enacted a bill on basic rights and freedoms which, inter alia, guarantees freedom of movement and residence and cites the right of everyone who resides on Czechoslovak territory freely to depart it. The bill states that these freedoms can be limited by law if "such limitation is compelled by state security, maintenance of public order, protection of health, protection of the rights and freedoms of other people, and, within designated areas, protection of nature." In practice, there are no known cases of government refusal to allow emigration from Czechoslovakia, whether to join a close family member in the United States, or for any other reason. In May, 1991, the Federal Assembly enacted legislation specifically regarding travel which affirmed, consistent with the CSFR's CSCE obligations, that Czechoslovak citizens have the right to travel freely anywhere abroad and freely to return to the CSFR.

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I have determined that, consistent with subsection 402(a) of the Act, the Czech and Slovak Federal Republic does not:

(1) deny its citizens the right or opportunity to emigrate;

(2) impose more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) impose more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

Further, consistent with subsection 409(a) of the Act, the Czech and Slovak Federal Republic does not:

(1) deny its citizens the right or opportunity to join permanently through emigration a very close relative in the United States, such as a spouse, parent, child, brother or sister;

(2) impose more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or

(3) impose more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1).

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